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8 Attorneys for United States of America

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) Case No. F.J. 95-028 FMS

14 Plaintiff, )

15 v. )

16 CHERYLE T. BERNARD-SHAW, )

17 Defendant. )

18 ) **WRIT OF**  
19 ) **CONTINUING GARNISHMENT**  
20 )

EMQ FAMILIESFIRST, )

Garnishee. )

22 TO: EMQ FamiliesFirst  
Attn: Human Resources  
23 251 Llewellyn Avenue  
Campbell, CA 95008-1940

25 **YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE**  
UNITED STATES OF AMERICA PROPERTY IN YOUR CUSTODY, CONTROL, OR  
26 POSSESSION IN WHICH THE DEFENDANT-JUDGMENT DEBTOR HAS A  
SUBSTANTIAL NONEXEMPT INTEREST.

27 The name, last known address, and last four digits of the social security number of the

1 person who is the defendant-judgment debtor ("debtor") in this action and whose property is  
2 subject to this Writ are as follows:

3 Cheryle T. Bernard-Shaw  
4 284 S. Dulce Street  
Tracy, CA 95391-3009  
Social Security Number (last four digits): 7821

5 This Writ has been issued at the request of the United States of America to enforce the  
6 collection of a civil judgment entered in favor of the United States against the debtor for a debt in  
7 the original amount of \$102,988. There is a balance due of approximately \$204,449.63, which  
8 includes costs and interest computed through February 16, 2010.

9 The following are the steps that you must take to comply with this Writ. If you have any  
10 questions, you should consult with your attorney.

11 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or  
12 possession any property of the debtor, including wages, salary, or commissions, in which the  
13 debtor has a substantial nonexempt interest, or if you obtain custody, control, or possession of  
14 such property while this Writ is in effect, you must immediately withhold such property from the  
15 debtor and retain it in your possession until you receive instructions from the Court which will  
16 tell you what to do with the property. The United States has requested that the sum of 25% of the  
17 debtor's disposable earnings, which under California law represents the nonexempt portion of the  
18 debtor's earnings, be withheld from the debtor's earnings.

19 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within 10  
20 days after service of this Writ upon you. You must answer the Writ even if you do not have in  
21 your custody, control, or possession any property of the debtor. Pursuant to 28 U.S.C. §  
22 3205(c)(4), your answer must state, under oath, the following information:

- 23 a. Whether or not you have in your custody, control, or possession, any property  
24 owned by the debtor in which the debtor has a substantial nonexempt interest,  
25 including nonexempt disposable earnings;
- 26 b. a description of such property and the value of such property;
- 27 c. a description of any previous garnishments to which such property is subject  
28 and the extent to which any remaining property is not exempt; and

1                   d. the amount of the debt you anticipate owing to the debtor in the future and  
2                   whether the period for payment will be weekly or another specified period.

3                   For your convenience, a form which addresses the above-requested information is attached and  
4                   may be used to answer the Writ.

5                   3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and  
6                   (c)(4), within ten (10) days after service of this Writ upon you, you must mail or deliver the  
7                   original answer bearing the original signature of the person preparing the answer to the Court at  
8                   the following address:

9                   Clerk, United States District Court  
10                  San Francisco Branch Office  
11                  450 Golden Gate Avenue, 16th Floor  
12                  P.O. Box 36060  
13                  San Francisco, CA 94102.

14                  At the same time you mail or deliver the original answer to the Court, you must also mail or  
15                  deliver a copy of the original answer to both the debtor and attorney for the United States at the  
16                  following respective addresses:

17                  Cheryle T. Bernard-Shaw  
18                  284 S. Dulce Street  
19                  Tracy, CA 95391-3009

20                  Stephen L. Johnson  
21                  Assistant U.S. Attorney  
22                  450 Golden Gate Avenue, 9th Floor  
23                  P.O. Box 36055  
24                  San Francisco, CA 94102.

25                  Please note that the attached form answer contains a certificate of service which needs to be  
26                  completed by the person mailing the copies of the answer to the debtor and the attorney for the  
27                  United States, and which needs to be filed with the Court along with the answer.

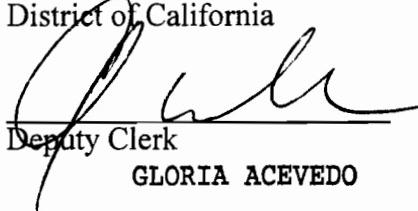
28                  **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY  
IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE  
COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO  
ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH  
THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO  
NOT APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY  
WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT AGAINST YOU FOR**

1 THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY  
2 (INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE COURT MAY ALSO  
3 AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND  
4 AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED  
5 HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO  
6 APPEAR.

7 RICHARD W. WIEKING,  
8 Clerk of the United States  
District Court for the Northern  
District of California

9 Dated: 2-23-10

10 By:

  
11 Deputy Clerk  
12 GLORIA ACEVEDO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA, )  
12 Plaintiff, ) Case No. F.J. 95-028 FMS  
13 v. )

14 CHERYLE T. BERNARD-SHAW, )  
15 Defendant. )

17 EMQ FAMILIESFIRST, ) ANSWER OF GARNISHEE  
18 Garnishee. )

20 I, \_\_\_\_\_, being first duly sworn, hereby state the following:

21 1. I am the \_\_\_\_\_ of the Garnishee named in the above  
22 caption. (Official Title)

23 I am authorized to prepare this Answer on behalf of the Garnishee.

24 2. The Garnishee was served with the Writ of Continuing Garnishment on  
25 \_\_\_\_\_ in this action.

26 3. The Garnishee currently has custody, control, or possession of earnings, money or  
27 property of the Defendant. Yes \_\_\_\_\_ No \_\_\_\_\_

4. The Garnishee expects to obtain custody, control, or possession of earnings, money or property of the Defendant in the foreseeable future. Yes        No

5. For the pay period in effect on the date of service of this Writ of Continuing Garnishment, the Garnishee states as follows:

- a. Defendant was in my/our employ. Yes        No       

b. The Defendant's pay period is        weekly,        bi-weekly,        semi-monthly,        monthly.

c. The Defendant's present pay period began on \_\_\_\_\_  
("Present" means the pay period in which the Writ of Continuing Garnishment was served.)

d. The Defendant's present pay period ends on \_\_\_\_\_.

e. The Defendant's net wages are as calculated below:

|   |          |
|---|----------|
| (1) Gross Pay                                       | \$ _____ |
| (2) Federal income tax                              | \$ _____ |
| (3) F.I.C.A. tax                                    | \$ _____ |
| (4) State income tax                                | \$ _____ |
| (5) Total of tax withholdings                       | \$ _____ |
| Net Wages<br>(gross pay minus above withheld taxes) | \$ _____ |

6. Are there any other garnishments currently in effect? Yes        No        If the answers is yes, describe below and attach to this Answer a copy of each garnishment:

1           7. Will the Garnishee owe the Defendant money in the foreseeable future? Yes \_\_\_\_\_  
 2 No \_\_\_\_\_ If the answer is yes, provide the reason why such money will be owed, the amount of  
 3 money that will be owed, and the date or dates on which each payment will be due:

| <u>Type of Payment</u> | <u>Amount</u> | <u>Date Payment Will be Due</u> |
|------------------------|---------------|---------------------------------|
| 1. _____               | _____         | _____                           |
| 2. _____               | _____         | _____                           |
| 3. _____               | _____         | _____                           |

8           8. Does the Garnishee currently have custody, control or possession of property  
 9 (other than earnings) such as bank accounts, pensions, thrift plans, etc., in which the Defendant  
 10 maintains an interest? Yes \_\_\_\_\_ No \_\_\_\_\_ If the answer is yes, then provide the following  
 11 information for each item of such property:

| <u>Description of Property</u> | <u>Approximate Value</u> | <u>Description of Defendant's Interest</u> |
|--------------------------------|--------------------------|--|
| 1. _____                       | _____                    | _____                                      |
| 2. _____                       | _____                    | _____                                      |
| 3. _____                       | _____                    | _____                                      |
| 4. _____                       | _____                    | _____                                      |

18          9. Does the Garnishee expect to obtain in the foreseeable future custody, control or  
 19 possession of property (other than earnings) such as bank accounts, pensions, thrift plans, etc., in  
 20 which the Defendant maintains an interest? Yes \_\_\_\_\_ No \_\_\_\_\_ If the answer is yes, then  
 21 provide the following information for each item of such property:

| <u>Description of Property</u> | <u>Approximate Value</u> | <u>Description of Defendant's Interest</u> | <u>Date Will Obtain Property</u> |
|--------------------------------|--------------------------|--|----------------------------------|
| 1. _____                       | _____                    | _____                                      | _____                            |
| 2. _____                       | _____                    | _____                                      | _____                            |
| 3. _____                       | _____                    | _____                                      | _____                            |
| 4. _____                       | _____                    | _____                                      | _____                            |

1           10. Does the Garnishee have any objections or defenses to the Writ of Continuing  
2 Garnishment? Yes        No        If the answer is yes, list the nature and basis of each  
3 objection and/or defense:

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 I hereby certify under penalty of perjury under the laws of the United States of America  
10 that the foregoing is true and correct.

EMQ FAMILIESFIRST

--  
13 Dated: \_\_\_\_\_ By: \_\_\_\_\_  
(Sign above and type or print  
name below)

## CERTIFICATE OF SERVICE

I, \_\_\_\_\_, declare:

That I am a citizen of the United States and employed in the County of \_\_\_\_\_,

State of \_\_\_\_\_; that my business address is \_\_\_\_\_; that I am over the age of eighteen years; and that I am not a party to the above-entitled action;

That on \_\_\_\_\_, I deposited in the United States mails, in envelopes bearing the requisite postage, a copy of:

## **ANSWER OF GARNISHEE**

10 addressed separately to each of the following:

11 Cheryle T. Bernard-Shaw  
284 S. Dulce Street  
12 Tracy, CA 95391-3009

13 Stephen L. Johnson  
Assistant U. S. Attorney  
14 450 Golden Gate Avenue, 9th Floor  
P.O. Box 36055  
15 San Francisco, CA 94102

**16** at their last known addresses at which place there is service by United States mail.

This Certificate is executed on \_\_\_\_\_, at \_\_\_\_\_

I certify under penalty of perjury that the foregoing is true and correct.

(Sign above and type or print name below)